

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MEL TYRONE EDWARD,

Plaintiff,

No. CIV S-03-2584 ALA P

vs.

S. SCARSELLA, et al.,

Defendant.

ORDER

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Plaintiff, a state prisoner proceeding pro se, seeks relief pursuant to 42 U.S.C. § 1983. By Order, filed on 11/16/07, the 11/27/07 jury trial date was vacated and this matter set for a settlement conference on 12/14/07, before the undersigned. On 11/28/07, plaintiff filed a request for a 30-day continuance of the settlement conference, indicating that he does not have all the materials he needs to proceed because some of his materials and evidence remain at High Desert State Prison (HDSP), from which he was transported for the purpose of attending the pending settlement conference.

Defendant Scarsella filed an opposition to the request on 11/30/07, in which defendant Saunders joined on 12/03/07. Defendants point out that plaintiff was prepared to go to trial on 11/27/07. While plaintiff may not yet have all the legal material and evidence he might need to proceed to trial because it has not all accompanied him in his transport from HDSP, he

1 must inarguably be aware of the history of this litigation and what is at issue in his own case.  
2 Plaintiff's knowledge is sufficient for purposes of proceeding with the settlement conference as  
3 scheduled. Defendants are correct that plaintiff has not shown adequate cause to justify delaying  
4 the conference.

5 Accordingly, IT IS ORDERED that:

6 1. Plaintiff's 11/28/07 request for a continuance of the settlement conference is  
7 denied; and

8 2. The settlement conference will proceed, as previously scheduled, on 12/14/07,  
9 at 9:00 a.m., before the undersigned.

10 DATED: 12/5/07

/s/ Gregory G. Hollows

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UNITED STATES MAGISTRATE JUDGE

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